

Permit number: DC 0000019  
March 27, 2002

AUTHORIZATION TO DISCHARGE UNDER THE NATIONAL POLLUTANT DISCHARGE  
ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, as amended, 33 U.S.C.A. § 1251 et seq. (The “Act”)

Department of the Army  
Baltimore District, Corps of Engineers  
Washington Aqueduct Division

Arlington County Government  
2100 Clarendon Blvd., Suite 302  
Arlington, VA 22201

District of Columbia Water and Sewer Authority  
5000 Overlook Avenue, SW  
Washington, DC 20032

Falls Church City Government  
300 Park Avenue  
Falls Church VA 22046

Collectively referred to herein as “Permittee”

are authorized to discharge from a facility located at

5900 MacArthur Boulevard, NW  
Washington D.C. 20315-0220

to receiving waters named “The Potomac River” in accordance with effluent limitations, monitoring requirements and other conditions set forth in Parts I, II, and III herein.

This permit shall become effective on \_\_\_\_\_

This permit and the authorization to discharge shall expire 5 years later,

\_\_\_\_\_  
Rebecca W. Hanmer, Director  
Water Protection Division

\_\_\_\_\_  
Date

U.S. Environmental Protection Agency, Region III

## Part I - EFFLUENT LIMITS

### A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - DALECARLIA SEDIMENTATION BASINS

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from Dalecarlia Sedimentation Basins Numbers 1, 2, 3 and 4 through Outfall 002. No discharge from this outfall shall occur during the Spring Spawning Season which is February 15 - June 15 inclusive of each calendar year. Except during the aforementioned prohibited discharge period, permittee may discharge from Outfall 002 when the flow in the Potomac is equal to or greater than 800 million gallons per day (mgd) as measured at the gauge station at Little Falls.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u> kg/day(lb/day)	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	<u>All Units (mg/L)</u>				<u>Measurement</u>	<u>Sample</u>
	<u>Avg Monthly</u>	<u>Max. Daily</u>	<u>Avg Monthly</u>	<u>Max. Daily</u>	<u>Frequency</u>	<u>Type</u>
Flow (mgd)	N/A	N/A	*N/L	*N/L	1/discharge	Estimated
Total Suspended Solids						
Aluminum (total)	N/A	N/A	*N/L	*N/L	1/discharge	Grab
Iron (dissolved)	N/A	N/A	*N/L	*N/L	1/discharge	Grab
Chlorine, total residual	N/A	N/A	*N/L	*N/L	1/discharge	Grab

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored once per discharge by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above, with the exception of the chlorine samples shall be taken at the location in each of the sedimentation basins where the effluent discharges from that basin. The sampling point for the chlorine samples for outfall 002 shall be the hydro-station on Clara Barton Parkway.

\*N/L - No limit, only monitoring is required.

Permittee shall notify EPA and DC DOH at least 12 hours in advance of any discharge from this outfall.

Note: These effluent limitations shall apply at flow conditions as defined in Part II.C.12 and Part III Special Conditions

## B. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - GEORGETOWN SEDIMENTATION BASINS

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from the Georgetown Sedimentation Basins through Outfalls 003 and 004. Outfall 004 is the discharge point for effluent and solids from the Georgetown sedimentation basin #1 . Outfall 004 and Outfall 003 are discharge points for effluent and solids from the Georgetown sedimentation basin #2. Subject to the provisions in Part III, no discharge from these outfalls shall occur during the Spring Spawning Season which is February 15 - June 15 inclusive of each calendar year. In accordance with Part III Special Conditions A.1 through A.4, permittee may discharge from Outfalls 003 and 004 when the flow in the Potomac is equal to or greater than 1500 million gallons per day (mgd) as measured at the gauge station at Little Falls.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u> <u>kg/day(lb/day)</u>	<u>Discharge Limitations</u>				<u>Monitoring Requirements</u>	
	<u>All Units (mg/L)</u>				<u>Measurement</u>	<u>Sample</u>
	<u>Avg Monthly</u>	<u>Max. Daily</u>	<u>Avg Monthly</u>	<u>Max. Daily</u>	<u>Frequency</u>	<u>Type</u>
Flow (mgd)	N/A	N/A	*N/L	*N/L	1/discharge	Estimate
Total Suspended Solids	N/A	N/A	*N/L	*N/L	1/discharge	Grab
Aluminum (total)	N/A	N/A	*N/L	*N/L	1/discharge	Grab
Iron (dissolved)	N/A	N/A	*N/L	*N/L	1/discharge	Grab

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored once per discharge by grab sample.

There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the location in each of the sedimentation basins where the effluent is discharged from that basin.

\*N/L - No limit, only monitoring is required.

Permittee shall notify EPA and DC DOH at least 12 hours in advance of any discharge from these outfalls.

Note: These effluent limitations shall apply at flow conditions as defined in Part II.C.12.a and Part III Special Conditions.

### C. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - OTHER DALECARLIA DISCHARGE

During the period beginning with the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge effluent comprised of leakage and/or discharge from a spring located underneath the Dalecarlia Sedimentation Basins through Outfall 002.

Such discharges shall be limited and monitored by the permittee as specified below:

	<u>Effluent Characteristic</u>		<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>	
	<u>kg/day(lb/day)</u>		<u>All Units (mg/L)</u>		<u>Measurement</u>	<u>Sample</u>
	<u>Avg Monthly</u>	<u>Max. Daily</u>	<u>Avg Monthly</u>	<u>Max Daily</u>	<u>Frequency</u>	<u>Type</u>
Flow (mgd)	N/A	N/A	N/A	N/A	1/quarter	estimate
Total Suspended Solids	N/A	N/A	30	60	1/quarter	Grab
Total Aluminum	N/A	N/A	4	8	1/quarter	Grab
Iron dissolved	N/A	N/A	N/A	N/A	1/quarter	Grab
Total Chlorine	N/A	N/A	N/A	N/A	1/quarter*	Grab

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored once per quarter by grab sample. There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following location(s): at outfall 002.

\* In addition to the monitoring requirement of 1/quarter, monitoring will be done at a frequency of 1/day grab whenever pre-chlorination to

the Dalecarlia sedimentation basins is occurring.

#### D. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS - CITY TUNNEL AND GEORGETOWN CONDUIT

During the period beginning with the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge from outfall serial number 006 directly to the Potomac River and from Outfall 007 from the City Tunnel to Rock Creek. Discharge from outfall 006 is treated water blowoff from the Georgetown Conduit. Discharge from outfall 007 is treated water blowoff from the City Tunnel.

Such discharges shall be limited and monitored by the permittee as specified below:

<u>Effluent Characteristic</u>	<u>Discharge Limitations</u>		<u>Monitoring Requirements</u>			
	<u>kg/day(lb/day)</u>		<u>All Units (mg/L)</u>		<u>Measurement</u>	<u>Sample</u>
	<u>Avg Monthly</u>	<u>Max. Daily</u>	<u>Avg Monthly</u>	<u>Max Daily</u>	<u>Frequency</u>	<u>Type</u>
Flow (mgd)	N/A	N/A	N/A	N/A	1/discharge	estimate
Total Suspended Solids	N/A	N/A	30	60	1/discharge	Grab*
Total Aluminum	N/A	N/A	4	8	1/discharge	Grab*
Iron dissolved	N/A	N/A	4	8	1/discharge	Grab*
Total Residual Chlorine	N/A	N/A	N/A	N/A	1/discharge	Grab*

The pH shall not be less than 6.0 standard units nor greater than 8.5 standard units and shall be monitored at the point of discharge. There shall be no discharge of floating solids or visible foam in other than trace amounts.

Samples taken in compliance with the monitoring requirements specified above shall be taken at the following locations: at Outfalls 006 and 007.

The permittee shall notify the DC Department of Health both orally and in writing at least 2 days prior to any discharge.

\* A grab sample shall be taken at the beginning and the end of the above discharges, except for Total Residual Chlorine which shall be sampled at the start of the discharge.

In order to protect anadromous fish spawning, there shall be no discharge to Rock Creek through Outfall 007 of any water containing chlorine in detectable amounts during the period March 1 through September 30 without the notification and approval by the EPA Water Protection Division.

## Part II STANDARD CONDITIONS FOR NPDES PERMITS

### SECTION A. GENERAL CONDITIONS

#### 1. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Waters Act and is grounds for enforcement action: for permit termination, revocation and re-issuance or modification; or for denial of a permit renewal application.

#### 2. Penalties for Violations of Permit Conditions.

##### a. Criminal Penalties

1. Negligent Violations. The Clean Water Act (CWA) provides that any person who negligently violates any permit, condition or limitation implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the CWA, is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year or both.

2. Knowing Violations. The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the CWA is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or by imprisonment for not more than 3 years or both.

3. Knowing Endangerment. The CWA provides that any person who knowingly violates permit conditions implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the CWA, and knows at the time that he is placing another person in imminent danger of death or serious bodily injury is subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both.

4. False Statement. The CWA provides that any person who knowingly makes any false material statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained under the Act or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the Act, shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or by both. If a conviction is for a violation committed after a first conviction of such person under this paragraph, punishment shall be by a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years or by both. False statements concerning matters with the jurisdiction of a federal agency are also punishable pursuant to 18 U.S.C. § 1000 by a prison term of up to five years, a fine of up to \$10,000 or both.



b. Civil Penalties

1. The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 301, 318 or 405 of the Act is subject to a civil penalty not to exceed \$27,500 per day for each violation.

c. Administrative Penalties

1. The CWA provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318 or 405 of the Act is subject to an administrative penalty as follows:

2. Class I Penalty. Not to exceed \$11,000 per violation nor shall the maximum amount exceed \$27,500.

3. Class II Penalty. Not to exceed \$11,000 per day for each day during which the violation continues nor shall the maximum amount exceed \$137,500.

3. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with this permit.

4. Toxic Pollutants

Notwithstanding paragraph A-4, above, if a toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under section 307(a) of the Act for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee shall be so notified.

The permittee shall comply with effluent standards or prohibition established under section 307(a) of the Clean Water Act for toxic standards within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

5. Civil and Criminal Liability

Except as provided in permit conditions on "Bypassing" Section B, Paragraph B-2 and "Upsets" Section B, Paragraph B-3, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance.

6. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Act.

7. State Laws.

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any District of Columbia law or regulation under authority preserved by Section 510 of the Act. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

8. Property Rights

The issuance of this permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

9. Severability

The provisions of this permit are severable, and if any provisions of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

10. Transfer of Permit

In the event of any change in ownership or control of facilities from which the authorized discharge emanates, the permit may be transferred to another person if:

- a. The current permittee notifies the Director, in writing of the proposed transfer at least 30 days in advance of the proposed transfer date;
- b. The notice includes a written agreement, between the existing and new permittee containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
- c. The Director does not notify the current permittee and the new permittee of intent to modify, revoke and reissue, or terminate the permit and require that a new application be submitted.

11. Construction Authorization

This permit does not authorize or approve the construction of any onshore or offshore physical structures or facilities or the undertaking of any work in any navigable waters.

## 12. Reopener Clause for permits

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under sections 301, 302, 304, and 307 of the Clean Water Act, if the effluent standard or limitations issued or approved:

- a. Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
- b. Controls any pollutant not limited in the permit. The permit, as modified or reissued under this paragraph, shall also contain any other requirements of the Act then applicable.

This permit may be modified, revoked and reissued, or terminated for cause as specified at 40 C.F.R. §§ 122.44(c), 122.62, 122.63, 122.64 and 124.5.

## 13. Endangered Species

EPA is required to consult under section 7(a)(2) of the Endangered Species Act (ESA) regarding issuance of an NPDES permit that may affect any federally listed endangered or threatened species. EPA has initiated informal section 7 consultation with the United States Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) regarding this action. FWS has informed EPA that no federally proposed or listed endangered or threatened species under their jurisdiction are known to exist within the boundaries of the proposed federal action area and that, therefore, no further consultation with FWS is required for this permit.

The NMFS has indicated that the endangered shortnose sturgeon occurs in the Potomac drainage and may occur in the vicinity of the Aqueduct discharge outfalls. In addition according to NMFS, the habitat in the vicinity of the Washington Aqueduct outfalls is similar to other spawning areas favored by the shortnose sturgeon in other rivers. NMFS and EPA are currently in consultation under section 7 of the Endangered Species Act (ESA) to determine the effects of the action on shortnose sturgeon.

The Region has prepared a draft biological evaluation and is submitting it to NMFS when the Region issues the public notice for this draft permit. EPA's biological evaluation has concluded that, based on the best available information, permitted discharges from this facility are not likely to adversely affect the sturgeon, and EPA has requested that NMFS concur with this finding. NMFS will use the biological evaluation in its consultation on the action. If NMFS concurs in EPA's finding, consultation will be concluded. If NMFS does not concur, then the agencies will enter formal consultation. See 50 C.F.R. § 402.14. Through this consultation process, the Region will ensure that a permit ultimately issued is in compliance with the ESA.

In any event, the Region has already taken a conservative approach to protecting against any unknown effects of the discharges by prohibiting discharges (except for emergent conditions) during the spawning season, allowing lower minimum flow requirements for discharges during other times of the year than allowed by the terms and

conditions of the expired permit under which the Aqueduct is currently operating (This permits the discharges to take place outside the spawning season.), and requiring the Permittee to carry out a gill net study supervised by NMFS to look for the presence of sturgeon in the vicinity of the discharges. The draft permit also provides for submission of Discharge Monitoring Reports (DMRs) to the Services.

The monitoring required by this permit will allow further evaluation of potential effects on these threatened and endangered species once monitoring data has been collected and analyzed. EPA requires that the permittee submit to FWS and NMFS an annual compilation of the Discharge Monitoring Reports (DMRs) which will be used by FWS and NMFS to further assess the potential for effects on endangered or threatened species. If these data indicate it is appropriate, requirements of this NPDES permit may be modified to prevent adverse impacts on habitats or endangered and threatened species.

The set of DMRs for the calendar year are to be submitted by February 15 of the following year to:

The Fish and Wildlife Service  
Environmental Contaminants Branch  
Chesapeake Bay Office  
General Cochrane Drive  
Annapolis, MD 21401  
Attention: Beth McGee, Ph.D.

The National Marine Fisheries Service  
Protected Resource Division  
1 Blackburn Drive  
Gloucester, MA 01930  
Attention: Carrie McDaniels

## SECTION B. OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

### 1. Proper Operation and Maintenance

The permittee shall at all times properly operate, inspect and maintain all facilities and systems of treatment and control (and related appurtenances including sewers, intercepting chambers, interceptors, combined sewer overflows, and emergency bypasses) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

### 2. Removed Substances

Solids, sludges, filter backwash or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent all pollutants from such materials from entering navigable waters.

### 3. Bypass of Treatment Facilities

#### a. Definitions

1. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility to the receiving stream.
2. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

- b. Bypass not exceeding limitations. The permittee may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs c and d of this section.

#### c. Notice

1. Anticipated bypass. If the permittee knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least ten days before the date of the bypass.
2. Unanticipated bypass. The permittee shall submit notice of an unanticipated bypass as required in Section D, Paragraph D-6 (24 -hour notice).

#### d. Prohibition of bypass.

1. Bypass is prohibited and the Director may take enforcement action against a permittee for bypass, unless:
  - i. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - ii. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This conditions is not satisfied if the permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance;

and

iii. The permittee submitted notices as required under paragraph c of this section.

2. The Director may approve an anticipated bypass after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in paragraph d(1) of this section.

#### 4. Upset Conditions

- a. Definition. “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- b. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph c of this section are met. Administrative determination by the Agency on upset claims of the permittee, made before commencement of an action for noncompliance, are not final administrative actions subject to judicial review.
- c. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
  - i. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
  - ii. the permitted facility was at the time being properly operated;
  - iii. the permittee submitted notice of the upset as required in Section D, Paragraph D-6; and
  - iv. the permittee complied with any remedial measures required under Section A, Paragraph A-3.
- d. Burden of proof. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

## SECTION C. MONITORING AND RECORDS

### 1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge. All samples shall be taken at the monitoring points specified in the permit. Monitoring points shall not be changed without notification to and the approval of the Director.

### 2. Flow Measurements

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to insure the accuracy and reliability of measurements of the volume of monitored discharges. The devices shall be installed, calibrated and maintained to insure that the accuracy of the measurements is consistent with the accepted capability of that type of device.

### 3. Monitoring Procedures

Monitoring must be conducted according to test procedures approved under 40 C.F.R. Part 136, unless other test procedures have been specified in this permit.

### 4. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

### 5. Reporting of Monitoring Results

Monitoring results must be reported on a Discharge Monitoring Report (DMR) form (EPA No. 3320-1). Monitoring results shall be submitted each month and reported on a DMR form postmarked no later than the 28<sup>th</sup> day of the following month. Copies of DMR's signed and certified as required by Section D, Paragraph D-10, and all other reports required by Section D, Reporting Requirements, shall be submitted to the Director and the District of Columbia, Environmental Health Administration at the following addresses:

U.S. EPA Region III (3WP31)  
Water Protection Division  
NPDES DMRs and  
1650 Arch Street  
Philadelphia, PA 19103

Government of the District of Columbia  
Environmental Health Administration  
Water Quality Division  
51 N Street, 5<sup>th</sup> Floor, NE  
Washington, DC 20002

In addition, a complete set of monitoring results shall be sent to the U.S. Fish and Wildlife Service and to the National Marine Fisheries Service to the names and addresses specified at Part II.A.14 of this permit. Such monitoring reports shall be compiled for the preceding year and sent to FWS and NMFS on or before February 15 of the next calendar year, or as otherwise specified by the Services.

6. Monitoring and Analytical Equipment Maintenance

The permittee shall calibrate and perform maintenance procedures on all monitoring and analytical instrumentation at intervals frequent enough to insure accuracy of measurements and shall insure both calibration and maintenance activities will be conducted.

7. Analytical Quality Control

An adequate analytical quality control program, including the analyses of sufficient standards, spikes, and duplicate samples to insure the accuracy of all required analytical results, shall be maintained by the permittee or designated commercial laboratory.

8. Additional Monitoring by the Permittee

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 C.F.R. 136 or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR form. Such frequency shall also be indicated.

9. Retention of Records

The permittee shall retain records of all monitoring information, including all calibration and maintenance record and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the Director at any time.

10. Record Contents

Records of monitoring information shall include:

- a. The date, exact place, time and methods of sampling of measurements;
- b. The individual(s) who performed the sampling or measurements;
- c. The date(s) analyses were performed;
- d. The individual(s) who performed the analyses;
- e. The analytical techniques or methods used; and



- f. The results of such analyses.

## 11. Inspection and Entry

The permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other document as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility activity is located or conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- d. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

## 12. Definitions

- a. The "daily discharge" means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represent the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
- b. The "average monthly discharge limitation" means the highest allowable average of "daily discharge" over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.
- c. The "maximum daily discharge limitation" means the highest allowable "daily discharge."
- d. "Grab sample" - An individual sample collected in less than 15 minutes.
- e. "At outfall XX" - A sample location before the effluent joins or is diluted by any other waste stream, body of water, or substance or as otherwise specified.
- f. "Estimate" - To be based on a technical evaluation of the sources contribution to the discharge including, but not limited to pump capabilities, water meters and batch discharge volumes.
- g. "Director" means the EPA Regional Administrator or an authorized representative.



## SECTION D. REPORTING REQUIREMENTS

### 1. Planned Changes

The permittee shall give notice to the Director as soon as possible of any planned physical alterations or additions to the permitted facility. The permittee may submit to the permitting authority requests for modification of this provision in accordance with future promulgated regulations.

### 2. Anticipated Noncompliance

The permittee shall give advance notice to the Director of any planned changes in the permitted facility or activity which may result in noncompliance with permit regulations.

### 3. Transfers

This permit is not transferable to any person except after notice to the Director as specified in Section A, Paragraph A-11. The Director may require modification or revocation and reassurance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

### 4. Monitoring Reports

Monitoring results shall be reported at the intervals and in the form specified in Section C, Paragraph C-5 (Reporting of Monitoring Results).

### 5. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date. Any reports of noncompliance may include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement.

### 6. Twenty-Four Hour Reporting

The permittee shall report any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; the steps taken or planned to reduce, eliminate, prevent recurrence of the noncompliance; and the steps taken to minimize any adverse to navigable waters.

The following shall be included as information which must be reported within 24 hours:

- a. Any unanticipated bypass which exceeds any effluent limitation to the permit.
- b. Any upset which exceeds any effluent limitation in the permit.
- c. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Director in Part I of this permit.

The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours and the noncompliance does not endanger health or the environment.

7. Other Noncompliance

The permittee shall report all instances of noncompliance not reported under Section D, Paragraph D-1, D-4, D-5, and D-6 at the time monitoring reports are submitted. The reports shall contain the information listed in Paragraph D-6.

8. Duty to Provide Information

The permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director, upon request, copies of records required to be kept by this permit.

9. Duty to Reapply

If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days before the expiration date of this permit. The Director may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. In the event that a timely and complete re-application has been submitted and the Director is unable, through no fault of the permittee, to issue a new permit before the expiration date of this permit, the terms and conditions of this permit are automatically continued and remain fully effective and enforceable.

10. Signatory Requirements

All applications, reports or information submitted to the Director shall be signed and certified as required by 40 C.F.R. 122.22.

11. Availability of Reports

Unless a confidentiality claim is asserted pursuant to 40 C.F.R. Part 2, all reports submitted in accordance with the terms of this permit shall be available for public inspection at the offices of the Director. If a confidentiality claim is asserted, the report will be disclosed only in accordance with the procedures in 40 C.F.R. Part 2. As required by the Act, permit applications, permits and effluent data shall not be considered confidential.

12. Correction of Reports

If the permittee becomes aware that it submitted incorrect information in any report to the Director, it shall promptly submit the correct information.

13. Changes in Discharges of Toxic Substances

The permittee shall notify the Director as soon as it knows or has reason to believe that any activity has occurred or will occur that would result in the discharge of any toxic pollutant which is not limited in this permit.

## SECTION E - BEST MANAGEMENT PRACTICES

### 1. Applicability

These conditions apply to all permittees who use, manufacture, store, handle or discharge any pollutant listed as toxic under Section 307(a)(1) of the Clean Water Act or any pollutant listed as hazardous under Section 311 of the Act and who have ancillary manufacturing operations which could result in significant amounts of these pollutants reaching waters of the United States. These operations include material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations and sludge and waste disposal areas.

### 2. Best Management Practices Plan

The permittee shall develop and implement a Best Management Practices (BMP) plan which prevents, or minimizes the potential for the release of toxic substances from ancillary activities to the waters of the United States through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

### 3. Implementation

The plan shall be implemented as soon as possible but not later than one year after the effective date of the permit.

### 4. General Requirements

The BMP plan shall:

- a. Be documented in narrative form, and shall include any necessary plot plans, drawings or maps.
- b. Establish specific objectives for the control of toxic and hazardous pollutants
  - i. Each facility component or system shall be examined for its potential for causing a release of significant amounts of toxic or hazardous pollutants to waters of the United States due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
  - ii. Where experience indicates a reasonable potential for equipment failure, e.g., a tank overflow or leakage, natural condition, e.g., precipitation, or other circumstances to result in significant amounts of toxic or hazardous pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow and total quantity of toxic or hazardous pollutants which could be discharged from the facility as a result of each condition or circumstance.
- c. Establish specific best management practices to meet the objectives identified under paragraph b of

his section, addressing each component or system capable of causing a release of significant amounts of toxic or hazardous pollutants to the waters of the United States.

- d. Include any special conditions established in Part III of this permit.
- e. Be reviewed by plant engineering staff and the plant manager.

## 5. Specific Requirements

The plan shall be consistent with the general guidance contained in the publication entitled “NPDES Best Management Practices Guidance Document” and shall, at a minimum, include the following baseline BMPs:

- a. BMP committee
- b. Reporting of BMP incidents
- c. Risk identification and assessment
- d. Employee training
- e. Inspections and records
- f. Preventive maintenance
- g. Good housekeeping
- h. Materials compatibility
- i. Security
- j. Materials inventory

## 6. Hazardous Waste Management

The permittee shall assure the proper management of solid and hazardous waste in accordance with regulations promulgated under the Solid Wastewater Disposal Act, as amended by the Resource Conservation and Recovery Act of 1978 (RCRA) (40 U.S.C. 6901 et seq.) Management practices required under RCRA regulations shall be referenced in the BMP plan.

## 7. Documentation

The permittee shall maintain a description of the BMP plan at the facility and shall make the plan available to the Director upon request.

## 8. BMP Plan Modification

The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility which materially increased the potential for the ancillary activities to result in a discharge of significant amount of hazardous or toxic pollutants.

9. Modification for Effectiveness

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of significant amounts of toxic or hazardous pollutants to surface waters and the specific objectives and requirements under paragraph b and c of Section 4, the permit and/or the BMP plan shall be subject to modification to incorporate revised BMP requirements.



### PART III SPECIAL CONDITIONS

A. The permittee is authorized to discharge effluent and aluminum treated sediments in accordance with the terms and conditions set forth in Part I of this permit. In addition, the following conditions shall apply to the discharges from the Dalecarlia Sedimentation basins through Outfall 002.

1. Part I of this permit specifically prohibits discharges during the Spring spawning season, however, in the event that it is necessary to conduct emergency maintenance in any of the Dalecarlia sedimentation basins, including but not limited to maintenance of pumps, pipes, valves, or other appurtenances, the permittee shall notify the District of Columbia Department of Health and EPA Region III within 24 hours after the need for such maintenance is identified. Notification shall include a description of the problem causing the need for release, the date and anticipated time of the release, name and telephone number of a knowledgeable individual. No discharge from the basin shall occur until EPA Region III has given approval of such discharge. Approval may be given via facsimile, e-mail or telephone.
2. Because the diluent water used to clean the Dalecarlia sedimentation basins may contain chlorine, the permittee is required to test the effluent from the Dalecarlia basins for chlorine. The sampling location shall be at the vault at the Hydrostation located on the Clara Barton Parkway. If these samples show a detectable level of chlorine, the permittee shall provide treatment to ensure that the discharge contains no chlorine before it is discharged to the Potomac River.

B. The permittee is authorized to discharge effluent and aluminum treated sediments in accordance with the terms and conditions set forth in Part I of this permit. In addition, the following conditions shall apply to the discharges from the Georgetown sedimentation basins through Outfalls 003 and 004.

1. Part I of this permit specifically prohibits discharges during the Spring spawning season, however, in the event that it is necessary to conduct emergency maintenance in any of the Georgetown sedimentation basins, including but not limited to maintenance of pumps, pipes, valves, or other appurtenances, the permittee shall notify the District of Columbia Department of Health and EPA Region III within 24 hours after the need for such maintenance is identified. Notification shall include a description of the problem causing the need for release, the date and anticipated time of the release, name and telephone number of a knowledgeable individual. No discharge from the basin shall occur until EPA Region III has given approval of such discharge. Approval may be given by facsimile, e-mail or telephone.
2. Drainage time for the liquid portion of the Georgetown sedimentation basin effluent shall be no less than 15 hours. Flushing times to remove the concentrated solids from each of the Georgetown sedimentation basins shall be no less than 8 hours.
3. The permittee shall increase the amount of untreated process water that is used to flush and clean

each of the Georgetown sedimentation basins to twice the amount used for each cleaning in calendar year 2001.

4. Analytical testing for chlorine is not required for discharges from the Georgetown sedimentation basins because it is the permittee's practice to use untreated process water for flushing the Georgetown basins.

#### C. Additional Special Conditions

All discharges to District of Columbia waters, other than those specified in Parts I and III of this permit, are prohibited.

1. Using a combination of engineering and/or Best Management Practices, the permittee shall increase the amount of incoming sediment removal to 85%. The 85% removal figure is based upon BPJ and is consistent with guidelines for identifying limits in effluent limit guidelines, and is also consistent with EPA's removal efficiencies for municipal dischargers. The 85% removal is calculated without including the amount of flocculent added in the water treatment process. The plant currently removes approximately 50 % of the incoming solids during the initial stages of the treatment process. The permittee shall develop a Preferred Analysis Plan which describes how it how it will increase the amount of incoming sediment removal from the present 50 % to 85%.
  - a. Within 3 months of the effective date of this permit, the permittee shall submit a report to EPA and the DC Department of Health, that details, among other things, the consultants and stakeholders who will assist in the development of the Preferred Analysis Plan and shall identify the engineering options that will be evaluated therein.
  - b. Within 24 months of the effective date of this permit, the permittee shall submit a Preferred Analysis Plan. This plan shall consist of engineered options considered to achieve 85% removal, preliminary cost estimates and an estimate of the amount of time necessary to implement each option. Options may include, but are not limited to, the collection, concentration and transport of sediments from the Georgetown sedimentation basins to the Dalecarlia property, off-site disposal options and other changes of procedure to reduce the amount of sediment discharged to the Potomac River. The Preferred Analysis Plan shall also identify a preferred option, detailing costs of construction and a proposed schedule for implementation of the preferred option.
  - c. The permittee shall initiate construction of the preferred option no later than 5 years from the effective date of this permit. However, in the event that implementation of the Preferred Option Plan triggers action under the National Environmental Policy Act (NEPA), the permittee shall use its best efforts to meet all requirements of NEPA, including public involvement, final design and initiate construction of the preferred option no later than 5

years from the effective date of this permit.

- d. The report described at C.1.a above shall also include the design or redesign of each of the outfalls located on public land, which will lower the visual profiles and improve the aesthetics at each of the outfall locations.
2. The permittee shall perform a study to evaluate whether shortnose sturgeon are present in District of Columbia waters of the Potomac River. In its planning for and performance of this study, permittee shall consult with the National Marine Fisheries Service and US Fish and Wildlife Service (the Services). During the performance of this study the permittee shall use only NMFS approved protocols, unless otherwise specifically directed by the Services. The results of this study shall be submitted to EPA and the Services no later than 3 years after the issuance date of this permit.
3. The permittee is prohibited from discharging sediment or any pollutant or contaminant from the Dalecarlia Reservoir to the Potomac River. The permittee shall develop a plan which details options for the removal and offsite deposition of the sediments from the reservoir. A copy of the plan shall be submitted to EPA and the DC DOH no later than six months from the effective date of this permit.
4. Within six months of the issuance date of this permit, the permittee shall apply for a permit from the National Park Service which will allow them to remove rocks from the vicinity of outfall 002 to ensure a controlled and measurable rate of sediment discharge. No later than six months after the issuance date of the permit to remove the rocks is granted, permittee shall remove the rocks and notify EPA and DC DOH that it has done so. Within one year after the permit to remove the rocks is issued, permittee shall develop and submit to EPA a schedule for outfall inspection and maintenance to ensure that additional rocks have not obscured the outfall.